

Last revised: August 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
ALBERTA SANTOS

Case No.: 14-19628
Judge: Michael B. Kaplan

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 8/23/2017
☒ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: EDR

Initial Debtor: AS

Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 0.00 per month to the Chapter 13 Trustee, starting on August 2017 for approximately 0 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$
DOMESTIC SUPPORT OBLIGATION		

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Ocwen Loan Svc. Irwin Horowitz Sovereign Bank	204 Kettle Creek Rd, Toms River, NJ	\$290,294.21 \$198,000.00 \$270,000.00	\$290,294.21 \$198,000.00 \$270,000.00	\$320,963.72	\$0.00	N/A	\$0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Wells Fargo Bank, N.A. Specialized Loan Servicing	204 Kettle Creek Rd, Toms River, NJ 501-7th Place, Vero Beach Florida	\$612,000.00 \$46,000.00	\$8,963.72 \$11,167.93

f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: <input checked="" type="checkbox"/> NONE		
Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims <input checked="" type="checkbox"/> NONE
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a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases <input checked="" type="checkbox"/> NONE				
<p>(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)</p> <p>All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:</p>				
Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
TD Bank, NA	Residence	Judicial	\$818,754.99	\$612,000.00	\$22,975.00	1,393,712.10	\$818,754.99

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Ocwen Loan Servicing, Irwin Horowitz, Sovereign Bank, TD Bank	Residence	\$290,294.21 \$198,000.00 \$270,000.00 \$818,754.99	\$612,000.00	\$620,963.72	\$0.00	\$290,294.21 \$198,000.00 \$270,000.00 \$818,754.99

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) _____
- 3) _____
- 4) _____

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: June 16, 2017.

Explain below **why** the plan is being modified:

The Second Modified Plan was selling the residence located at 204 Kettle Creek Road, Toms River, NJ

Explain below **how** the plan is being modified:

The Third Modified Plan is surrendering the properties located at 204 Kettle Creek Road, Toms River and 501-7th Place, Vero Beach Florida

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: 8/23/2017

/s/ Eugene D. Roth
Attorney for the Debtor

Date: 8/23/2017

/s/ Alberta Santos
Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: 8/23/2017

/s/ Eugene D. Roth
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 8/23/2017

/s/ Alberta Santos
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
Alberta Santos
DebtorCase No. 14-19628-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 26

Date Rcvd: Aug 30, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 01, 2017.

db +Alberta Santos, 204 Kettle Creek Road, Toms River, NJ 08753-1924
 r +Cara Realtors, 514 Brick Boulevard, Brick, NJ 08723-6088
 cr +RBS CITIZENS, N.A., Stern & Eisenberg, PC, 1040 North Kings Highway, Suite 407,
 Cherry Hill, NJ 08034-1925
 cr +SN Servicing Corporation as Trustee of the Igloo S, FRIEDMAN VARTOLO LLP, 950 Third Ave,
 11th Floor, New York, NY 10022-2775
 cr +TD Bank, N.A., c/o Windels Marx Lane & Mittendorf, LLP, 120 Albany Street Plaza,
 6th Floor, New Brunswick, NJ 08901-2126
 514782177 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, PO Box 15019, Wilmington, DE 19886-5019)
 514782179 Chase, Cardmember Services, PO Box 15153, Wilmington, DE 19886-5153
 514782178 Chase, PO Box 15123, Wilmington, DE 19850-5123
 514782180 +Fernando L. Santos, 204 Kettle Creek Road, Toms River, NJ 08753-1924
 514782181 +Irwin A. Horowitz, Nominee For Harmon Mortgage Corp, PO Box 3308, Secaucus, NJ 07096-3308
 515036558 Irwin A. Horowitz, PO Box 3308, Secaucus, NJ 07096-3308
 514782182 +NJ Natural Gas Co., PO Box 11743, Newark, NJ 07101-4743
 514782184 +Route 9 Garden Center, 2030 Route 9, Toms River, NJ 08755-1214
 515247132 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Department of Treasury,
 Division of Taxation, PO BOX 245, Trenton NJ 08695-0245)
 514782187 +Specialized Loan Servicing, 8742 Lucent Blvd Suite 300, Highlands Ranch, CO 80129-2386
 515042316 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,
 Highlands Ranch, Colorado 80129-2386
 514782188 +TD Bank, C/O Winderls Marx Lane & Mittendorf, 120 Albany Street Plaza,
 New Brunswick, NJ 08901-2163
 515041401 +TD Bank, N.A., c/o Windels Marx Lane & Mittendorf, LLP, 120 Albany Street Plaza,
 New Brunswick NJ 08901-2163
 515725442 +WELLS FARGO BANK, N.A., ATTN: BANKRUPTCY DEPARTMENT, MAC#T7416-023, 4101 WISEMAN BLVD.,
 SAN ANTONIO, TX 78251-4200
 514782189 +Wells Fargo Bank, C/O Powers Kirn, 728 Marne Highway, Ste. 200, Moorestown, NJ 08057-3128

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 30 2017 23:12:20 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Aug 30 2017 23:12:18 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 515493244 E-mail/Text: cio.bncmail@irs.gov Aug 30 2017 23:11:56
 Department of the Treasury - Internal Revenue Serv, P.O. Box 7346,
 Philadelphia, PA 19101-7346
 514782186 +E-mail/Text: cop@santander.us Aug 30 2017 23:12:12 Sovereign Bank,
 525 Lancaster Avenue, Suite 305, Reading, PA 19611-1671
 516345426 +E-mail/Text: bknotices@sns.com Aug 30 2017 23:13:00 US Bank Trust NA,
 Trustee Igloo Series II Trust, c/o SN Servicing Corp, 323 5th Street, Eureka, CA 95501,
 US Bank Trust NA 95501-0305
 516345425 +E-mail/Text: bknotices@sns.com Aug 30 2017 23:12:59 US Bank Trust NA,
 Trustee Igloo Series II Trust, c/o SN Servicing Corp, 323 5th Street,
 Eureka, CA 95501-0305

TOTAL: 6

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

514782183 ##+Ocwen Loan Servicing, PO Box 6440, Carol Stream, IL 60197-6440
 514782185 ##+Santos Garden & Landscaping, 2030 Route 9, Toms River, NJ 08755-1214

TOTALS: 0, * 0, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 26

Date Rcvd: Aug 30, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 01, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 25, 2017 at the address(es) listed below:

Adam Jason Friedman on behalf of Creditor SN Servicing Corporation as Trustee of the Igloo Series II Trust bankruptcy@friedmanvartolo.com
Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor FV-I, Inc. in trust for Morgan Stanley Mortgage Capital Holdings LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Eugene D. Roth on behalf of Debtor Alberta Santos erothesq@gmail.com
Jay Samuels on behalf of Creditor TD Bank, N.A. jsamuels@windelsmarx.com
Joshua I. Goldman on behalf of Creditor FV-I, Inc. in trust for Morgan Stanley Mortgage Capital Holdings LLC jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Steven K. Eisenberg on behalf of Creditor RBS CITIZENS, N.A. bkecf@sterneisenberg.com, jmcnally@sterneisenberg.com, skelly@sterneisenberg.com, bkecf@sterneisenberg.com
William M.E. Powers on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com
William M.E. Powers, III on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com
TOTAL: 11